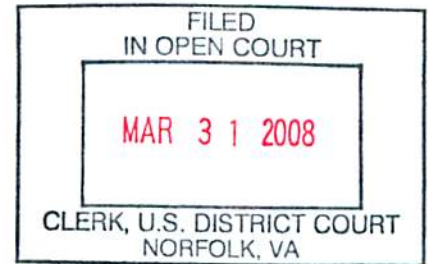


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



UNITED STATES OF AMERICA

v.

ACTION NO. 2:08cr6

BRANDON KYLE HENLEY,

Defendant.

**REPORT AND RECOMMENDATION<sup>1</sup>**  
**CONCERNING PLEA OF GUILTY**

The Defendant, by consent, has appeared before me pursuant to Federal Rule of Criminal Procedure 11, and referral from a United States District Judge and has entered a plea of guilty to Count Five of the indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary, and that the offense charged is supported by an independent basis in fact establishing each of the essential elements of such offense. I therefore recommend that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

I further certify that a copy of this Report and Recommendation was this day delivered to counsel for the United States and to counsel for the defendant.

DONE AND ENTERED at Norfolk, Virginia, this 31st day of March, 2008.

A handwritten signature in black ink, appearing to read "Tommy E. Miller".

UNITED STATES MAGISTRATE JUDGE

Norfolk, Virginia

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<sup>1</sup> Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).